

## **CITY COUNCIL MINUTES**

**October 26, 2009  
REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, October 26, 2009 at 6:00 p.m. with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

### **CALL TO ORDER**

#### **ROLL CALL:**

**Council Members Present:** Keith Nesbitt, Kevin Hanley, Bill Kirby, Bridget Powers, J. M. Holmes

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogio, Public Works Director Jack Warren, Administrative Services Director Andy Heath

#### **ROLL CALL**

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6:

(1) **CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representatives: Robert Richardson, David Mackowiak  
Employee Group: All Bargaining Units

(2) **CONFERENCE WITH LEGAL COUNSEL**

The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

**Existing Litigation:**

G.C. 54956.9(a)

Fisher v. City of Auburn, Placer County Superior Court Case No. SCV 23750

**Initiation of Litigation:**

G.C. 54956.9(c): One case

## **REPORT OUT OF CLOSED SESSION**

No reportable action

## **PLEDGE OF ALLEGIANCE**

## **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Mayor Holmes said that Sierra Economic Development Corporation will hold a Business Boot Camp for new and existing businesses in the Auburn area in January 2010. He said they are very useful sessions for those that may be struggling in their businesses or those who may want to start a new business.

Mayor Holmes announced that League of California Cities recently held a conference wherein 211 calls were discussed. He asked that the Police Department and staff review usage and related issues of the non-emergency number. He said "Social Host Liability" was also discussed. He said it involves families with teenagers hosting parties that may result in problems with alcohol. He asked the City Attorney to review the issue.

Mayor Holmes announced that the meeting would be dedicated to the memory of George Voyiatzes who passed away at the age of 96. He said Mr. Voyiatzes was an "institution in this community" and would like him to be remembered.

## **AGENDA APPROVAL**

Jeff Bryan, 15380 Pear Valley Way, Auburn, requested the removal of Item #6 from the Consent Calendar for discussion.

## **CONSENT CALENDAR**

### **1. Minutes**

By **MOTION** approve City Council Minutes of September 14 and 28, 2009.

### **2. General Plan Amendment and Rezone at 512 & 514 Sacramento Street – 2<sup>nd</sup> Reading**

Hold a second reading, by title only, and by **ORDINANCE 09-05** change the zoning designation from Residential Single Family, minimum parcel size 10,000 square feet (R-1-10), to Neighborhood Commercial (C-1) for property located at 512 & 514 Sacramento Street.

### **3. 2010 Census Complete County Committee Participation and Authorization to submit a 2010 Census Partnership Agreement Form**

By **RESOLUTION 09-118** authorize City designated staff to participate in the Complete Count Committee and authorize staff to submit a 2010 Census Partnership Agreement Form on behalf of the City of Auburn (Attachment 1).

4. **Auburn Municipal Airport – East Area Hangar Project Amendment to Consultant Agreement – Phase IV**

By **RESOLUTION 09-119** approve Amendment No. 1 to the consultant agreement with Mark A. Machado in an amount not to exceed \$13,100.

5. **Amendment of Auburn Municipal Airport Land Leases (Lot 3 and 14) – Flyers, LLC, a California Limited Liability Company**

By **RESOLUTION 09-120** authorize the City Manager or his designee to execute amendments to the Auburn Municipal Airport Industrial Park Land Lease Agreements and related documents for Lot 13 and Lot 14 between the City of Auburn and Flyers, LLC, a California Limited Liability Company.

6. **Implementation of the Last, Best and Final Offer with the Auburn Firefighters Association**

Removed for discussion; item follows Consent Calendar.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar excluding Item #6. **MOTION: Kirby/Hanley/Approved 5:0**

6. **Implementation of the Last, Best and Final Offer with the Auburn Firefighters Association**

City Manager Robert Richardson stated that there had been months of negotiations with the Firefighters Association. He said, without coming to an agreement, both the City and the Association met with a mediator, which resulted in a declaration of "impasse." He said due to current budgetary issues and the impasse, the City is recommending that Council approve implementation of the best last and final offer.

Jeff Brian stated that when the Battalion Chief positions were eliminated, due to budget constraints, the Fire Department was completely reorganized. He said there are excellent firefighters within the department that work as a team. He said he would like to see approval of the offer for the continuity of department to avoid layoffs which would be disruptive.

Joseph Labrie, Auburn, stated that it was his understanding that although negotiations commenced in March, an agreement was never reached. He said that one of the provisions offered by the Fire Department was that they would take a pay cut, if management would agree not to take bonuses. He said that proposal was rejected. He said he did not believe it to be fair that anyone would accept a bonus when others took pay cuts.

Mayor Holmes said that in the last couple of days the City received word from a negotiator who purported to represent the firefighters. He said every effort was made to reach an agreement with the firefighters. He said the negotiator for the Fire Department did not propose anything new. He said, "If something new is put on the table, we will take a look at it."

City Manager Richardson advised that the resolution in the agenda packet reflected an incorrect date of October 12, 2009. He said the date needed to be corrected to October 26, 2009.

By **MOTION** waive full reading and adopt **RESOLUTION 09-121**, with the clerical correction, implementing the last best and final offer to the Auburn Firefighters Association. **MOTION: Kirby/Hanley/Approved 5:0**

7. **Public Comment**

City Clerk Joseph Labrie announced that it was the last week of work for his Deputy City Clerk, Anne Cooley. He said he felt it important to replace her with a well-qualified person. He said he felt Ms. Cooley should be involved in the interview process.

**REPORTS**

8. **City Council Committee Reports**

None

**COUNCIL BUSINESS**

9. **Authorization to Participate in the 2009 Proposition 1A Securitization Program**

Administrative Services/Finance Director Andy Heath introduced the item. He provided the Council with an overview of the history of the program and the California Communities group. He provided the mechanics of the program and how the City can benefit by it.

He said Proposition 1A instituted a protection of local revenues, specifically property taxes and sales taxes, from the State taking those revenues from local agencies. Declaration of a "fiscal emergency" by the Governor allowed the State to borrow up to 8% of property tax and property tax related revenues. After three years the State would have to pay the money back plus interest. He said the State can borrow twice over a ten-year period.

Mr. Heath said, "As part of the law that was implemented, the Securitization Program was also enacted." He said the Securitization Program can only be implemented by the State and the California Communities, a Joint Powers Authority. He said all local agencies will be subject to the 8% and Proposition 1A will be suspended. He said California Communities "is going to be floating a bond." Mr. Heath explained the bond process.

Council questions and comments followed regarding the (1) participation of other agencies (2) bond process between California Communities and the "trustee" (3) interest rate and (4) bond structure.

Curtis Smith, Auburn resident and Director of the Auburn Recreation District (ARD), advised that at Committee level the Securitization Program has been considered and will be recommended for approval. He said it will be on the next Board agenda. He supported Council approval of the program.

Council Member Hanley said that Council's approval of the program would avoid the lay-offs of four or five additional employees.

By **RESOLUTION 09-122** authorize the City Manager or his designee to approve the form and authorize the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A Receivable from the State; and directing and authorizing certain other actions in connection therewith. **MOTION:**  
**Hanley/Nesbitt/Approved 5:0**

10. **Appointment of Arts Commissioners**

City Manager Richardson advised the Council of the Arts Commission's recommendations for the re-appointment of members-at large Louise Burda Gilbert, Aloha Baumgarten, Marti Niles, Mary Beauchamp and the appointment of Brian Jagger to the Professional Artist category.

Council Member Powers, liaison to the Auburn Arts Commission, provided background information on the recommended candidates.

Council Member Kirby asked if it was the policy to ratify recommendations of Committees and Commissions. Mayor Holmes advised that, although the Committees make recommendations, the Council is not obliged to approve their recommendations.

The Council discussed (1) term limits for the Arts Commission and (2) residency requirements. Council Member Kirby stated he favored appointments of City residents.

The Arts Commission's recommendations for appointment were: Brian Jagger, Professional Artist, Aloha Baumgarten, Mary Beauchamp, Marti Niles and Louise Burda Gilbert, members-at-large.

Council Member Hanley nominated Randy Mealhow, member-at-large. Council Member Hanley stated that he appreciated the eight years of service of Louise Burda Gilbert. He said she did much to improve the arts in Auburn. He said due to the length of her service, it might be more appropriate to appoint a new commissioner.

Mayor Holmes commented that the Ad Hoc Committee that reviewed City Commission and Committees has recommended a number of changes that could affect the Arts Commission, including the rotation of the Chair annually. He said that he too appreciated Ms. Gilbert's service and recommended that her service be acknowledged at a future meeting.

Council Member Powers said she appreciated all the hard work the Commission has done and its time spent in interviewing applicants. She said she looked forward to continue working with the Arts Commission.

By **RESOLUTION 09-123** appoint at-large members Randy Mealhow, Marti Niles and Professional Artist Brian Jagger to the Auburn Arts Commission with terms expiring 10/31/13. **MOTION: Powers/Hanley/Approved 5:0**

By **RESOLUTION 09-124** appoint at-large members Mary Beauchamp and Aloha Baumgarten to the Auburn Arts Commission with terms expiring 10/31/13. **MOTION: Powers/Hanley/Approved 4:1 (No, Kirby)**

11. **Review of Boards, Commissions, Councils and Committees**

Mayor Holmes advised that several months ago he asked Council Members Hanley and Kirby to review City Boards, Committees and Commissions. He said it appeared to him that some had changed their focus over the years. He said the appointed Council Members have provided recommendations to the Council.

Council Member Hanley explained that he and Council Member Kirby reviewed various ordinances and attended meetings. He said the governing charters of Committees/Commissions differ. He explained that some were created by ordinance, others by resolution. He said the governing charters should be transparent and drafted in a manner to be changed when appropriate. He said they can all be created by ordinance or by resolution and placed on the City website. He said he recommended that it be done by resolution.

Council Member Hanley advised that possibly one of the volunteers could take the Committee/Commission assignment and put together guidelines regarding meetings, duties, and conflict of interest. He said some of the charters of certain entities do not include language regarding their position as advisors to the City Council. He said he and Council Member Kirby felt language to include advisory functions should be included in all charters. He said they suggest that all Committees and Commissions be placed on an annual budgetary cycle without carryover funds, unless specifically approved by the Council.

Council Member Hanley said that all meeting minutes should be sent to the City Manager, who will provide them to the Council and the public. He said they supported the change of the Chair once a year and a report to the Council twice a year. He said they thought the Committee/Commission Chair should meet with the City Manager to review the budget and devise a plan for the following year. He said then all Committees and Commissions would report to the Council in May, prior to approving a budget. He said they would return to the Council in January of each year with a mid-year status report. He said that would enable the City to build an economic strategic plan where everything would be in one document.

Council Member Hanley suggested the abolishment of the Housing Advisory and Appeals Board which is no longer needed. He said there is a new law that covers the function. He said the function of the Telecommunications Commission is no longer needed with the State Cable Law. He said the functions of that Commission are still being discussed with the City Manager. He advised that it is recommended that the City Manager craft an appropriate Commission and return to the Council in the future. He also recommended updating of the Traffic Committee.

He said he and Council Member Kirby agreed with the Mayor that volunteers should be recognized on an annual basis.

Council Member Kirby stated that the Assistant City Clerk provided the charters, applications and background information which were extremely

helpful in the review process. He said he attended a number of meetings. He said some seemed "disoriented, not truly understanding the rules and how meetings are to be conducted." He said some seemed "very proprietary" and did not have a sense of their advisory capacity. He said there was not consistency in the charters. He thanked Council Member Hanley for his work in putting the information in the format presented to the Council.

Mayor Holmes confirmed that the Pedestrian Master Plan Committee had already been sunsetted.

City Manager Richardson said he would like the Department Directors to review the recommendations and make any additional comments that they may have. He said the finalized plan will be presented to the Council in a recommendation form.

Mayor Holmes commended Council Members Hanley and Kirby for their review and recommendations regarding the Committees, Commissions and Boards. He said he would still like the criteria for City Historian to be reviewed. He said the position was established eight or nine years ago without any criteria. Council Member Hanley said he looked at the position, but thought that the City Historian is not really a Board, Committee or Commission. He said he viewed it more as a management issue that should be reviewed by the City Manager. Mayor Holmes agreed that the position was originally initiated by a previous City Manager and possibly would be best reviewed by the current City Manager.

Michael Otten, Placer County Library Advisory Board appointee, commended Council Members Hanley and Kirby. He said he thought it was a very good report. He said the City's website stipulates City residents may apply for Committee and Commission appointments. He felt it should be clarified on the website which ones have a residency requirement.

Council Member Nesbitt thanked Council Members Hanley and Kirby for their work. He said he had previously asked that some sort of a recognition dinner be initiated to honor the volunteers. He said it might be a nice idea for the Council Members to serve the folks that serve the City.

Council Member Nesbitt thanked the Pedestrian Master Plan Committee for its work documenting the "needs of the streets and the connectivity of sidewalks in Auburn." He said it is his hope that the Committee members see that their efforts are reflected in the sidewalks by Alta Vista, the sidewalks at Maidu and the Streetscape Project.



Council Member Nesbitt said that the Youth Advisory Commission is looking for a project for the upcoming year. He said it has been difficult to get a quorum and hopes attendance will improve. He said, if it does not, he will return to the Council with a suggestion for a Youth Liaison in lieu of an actual Commission.

Council Member Powers thanked Council Members Hanley and Kirby for their detailed report. She said she specifically supported their recommendations regarding bi-annual reports to the Council and recognition of the volunteers.

Mayor Holmes stated that by consensus the Council agreed to accept the report and has directed the City Manager to take certain issues under consideration.

#### **ADJOURNMENT**

Mayor Holmes, without objection, adjourned the meeting at 7:17 p.m. in remembrance of George Voyiatzes to the meeting of the Auburn Urban Development Authority.

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J. M. Holmes, Mayor

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Joseph G. R. Labrie, City Clerk

